

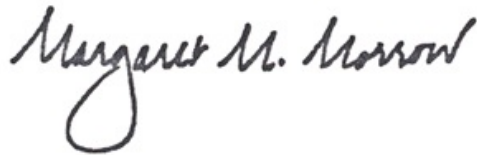


Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, along with the Report and Recommendation of the United States Magistrate Judge. After the time for filing Objections had expired, Plaintiff filed “Plaintiff’s Response to Magistrate Judge’s Report and Recommendation” wherein he stated he has no Objections to the Report and Recommendation. The Court hereby approves and accepts the findings, conclusions, and recommendations of the United States Magistrate Judge.

IT THEREFORE IS ORDERED that (1) plaintiff's Bivens claim against Dr. Lin is severed and transferred to the Western District of Texas; (2) plaintiff's claims against defendants Bowers, Fox, Castillo, Dhaliwal, Bueno, Colcol, and Patel are dismissed without leave to amend and with prejudice; (3) plaintiff's Federal Tort Claims Act ("FTCA") claims against the United States are dismissed with leave to

1 amend; and (4) if plaintiff wishes to pursue his FTCA claims against the United
2 States arising from alleged negligent acts or omissions of Federal Bureau of Prisons
3 (“BOP”) employees that occurred at USP-Lompoc, he shall file a Third Amended
4 Complaint limited to his FTCA claims within thirty (30) days of the service date of
5 this Order.¹

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7 DATED:09/24/2015



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9 MARGARET M. MORROW
10 UNITED STATES DISTRICT JUDGE
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26 ¹ If plaintiff chooses to file a Third Amended Complaint, it should bear
27 the docket number assigned in this case, be labeled “Third Amended Complaint,” and
28 be complete in and of itself without reference to the original Complaint, the FAC, the
SAC or any other pleading or document.